

## DEPARTMENT OF THE ARMY PERMIT

Permittee PAPIO-MISSOURI RIVER NRD

Permit No. NE 140011457 General Permit 88-04 Amendment #2

Issuing Office OMAHA DISTRICT, CORPS OF ENGINEERS

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

### Project Description:

Construct revetments and grade stabilization structures in accordance with the ten methods listed in Appendix B. Application procedures are outlined in Appendix A.

### Project Location:

Big Papillion Creek and its tributaries, Douglas and Sarpy Counties, Nebraska. Legal descriptions are listed in Appendix A.

### Permit Conditions:

#### General Conditions:

August 31, 2004

1. The time limit for completing the work authorized ends on \_\_\_\_\_. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

See Page 4

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

( ) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

W. J. Oltman, GEN. MGR.  
(PERMITTEE)

August 13, 1999  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

MARK E. TILLOTSON  
(DISTRICT ENGINEER)  
Colonel, Corps of Engineers  
District Engineer

20 Sept. 1999  
(DATE)  
BY: Paul Wemhoener  
PAUL WEMHOENER Chief, Operations Division

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)

### Special Conditions

1. All areas disturbed by construction shall be revegetated with native grasses and/or forbes and maintained in this conditions. Successful revegetation must cover 50% or more of the surface area.
2. Only rock material from a non-streambed source and/or clean broken concrete, free of asphalt, exposed re-bar and wire mesh, shall be used for riprap or to fill gabion baskets.
3. Grout-filled fabric bags and pre-cast concrete blocks shall be allowed as fill material.
4. Temporary fill for access and de-watering is not authorized by this general permit.
5. The Kearney or Wehrspann Regulatory Office shall be contacted if any proposed project is located in any of the highlighted sections on the enclosed map (sections marked with orange). Additional cultural resources review shall be required for project located in these sections.

## APPENDIX A

The Papio-Missouri River NRD shall provide the District Engineer a notice of intent, 30 days prior to construction of a specific project to verify that the conditions of this General Permit are being met. The District Engineer retains the authority to override this General Permit on a case-by-case basis and to require an Individual permit. The notice of intent shall include the following information:

1. Location map with project site clearly marked.
2. Brief description of work, including project dimensions, method to be used and type of fill material.
3. Proposed start date of construction.

The notice of intent shall be submitted to:

US Army Corps of Engineers  
Wehrspann Regulatory Office  
8901 South 154th Street Suite 1  
Omaha, NE 68138-3621

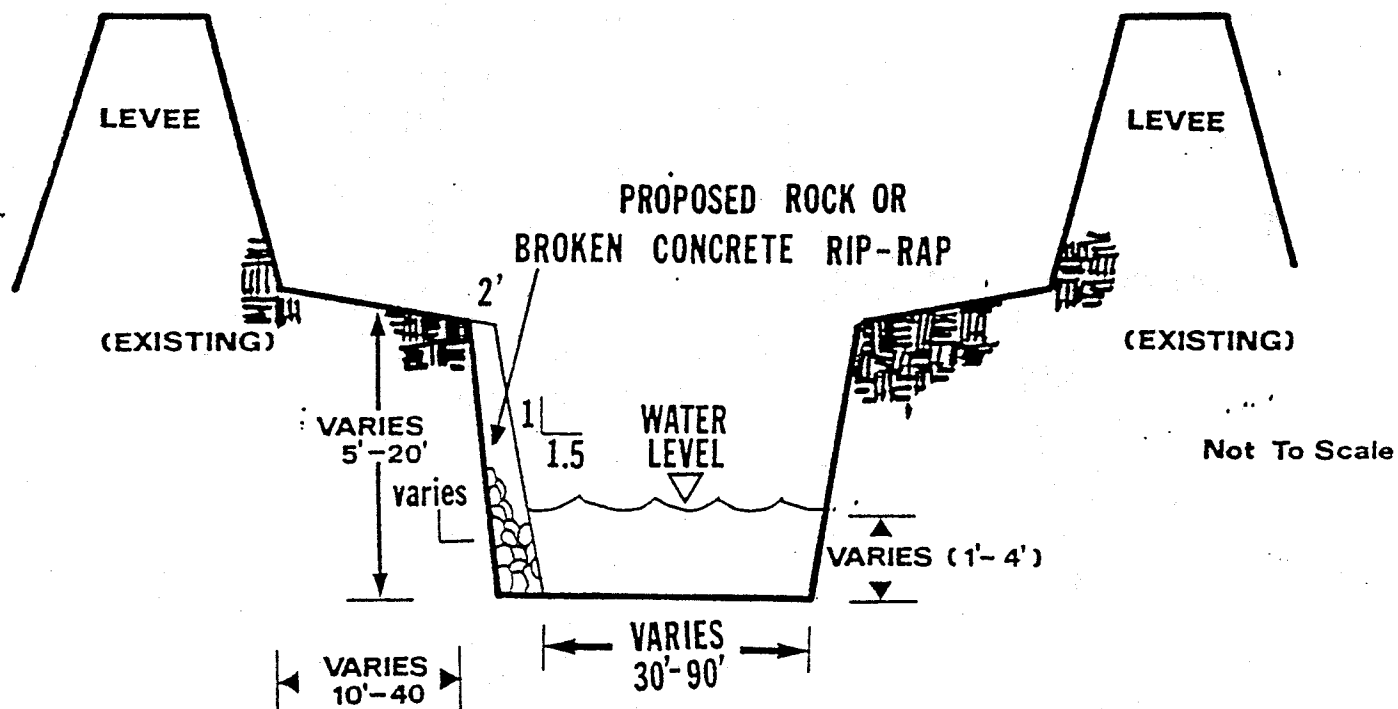
Locations in which project shall be accomplished:

Sarpy County:           13+17+18+20+21+22+25+26+27+33 - T14N - R12E  
                              18+19+27+28+29+30+32+33+34 - T14N - R13E  
                              3+10+11+13+14+23+24 - T13N - R13E  
                              19+35 - T13N - R14E  
                              4 - T13N - R12E  
                              33+34 - T14N - R11E

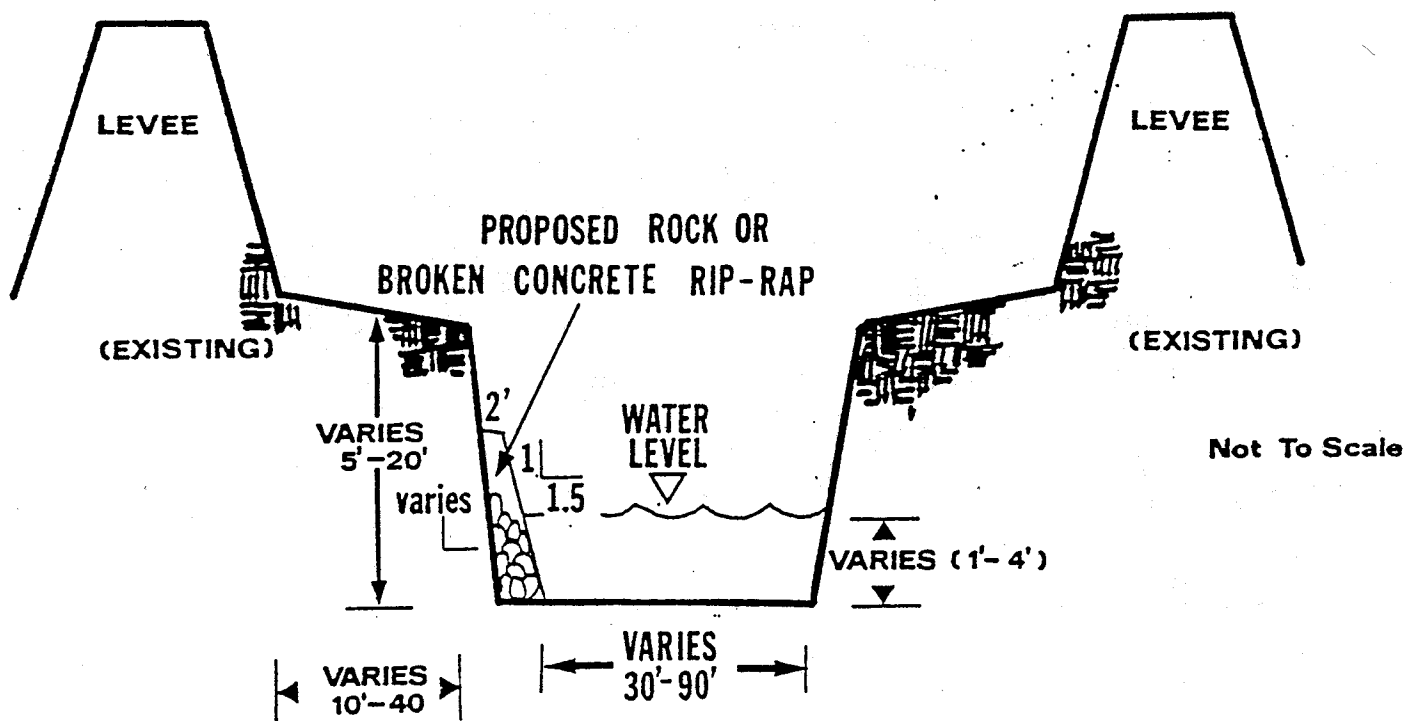
Douglas County:       1+2+12 - T14N - R12E  
                              3+5+6+8+10+14+15+17+20+21+23+24+25+27+28+34+35+36 - T15N - R12E  
                              27+35 - T15N - R11E  
                              31 - T16N - R12E  
                              9+10 - T16N - R11E

Typical Cross Sections

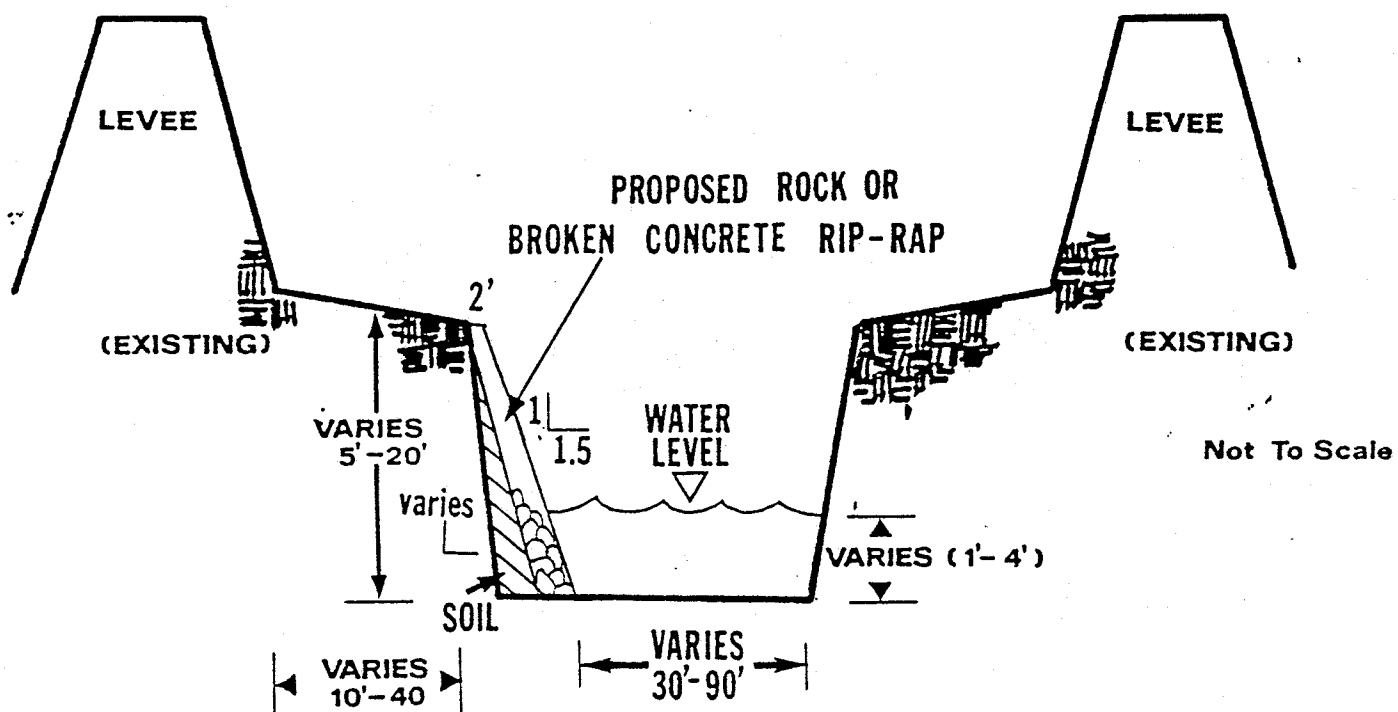
Method 1 - Broken Concrete or Stone Riprap Full-Slope Protection



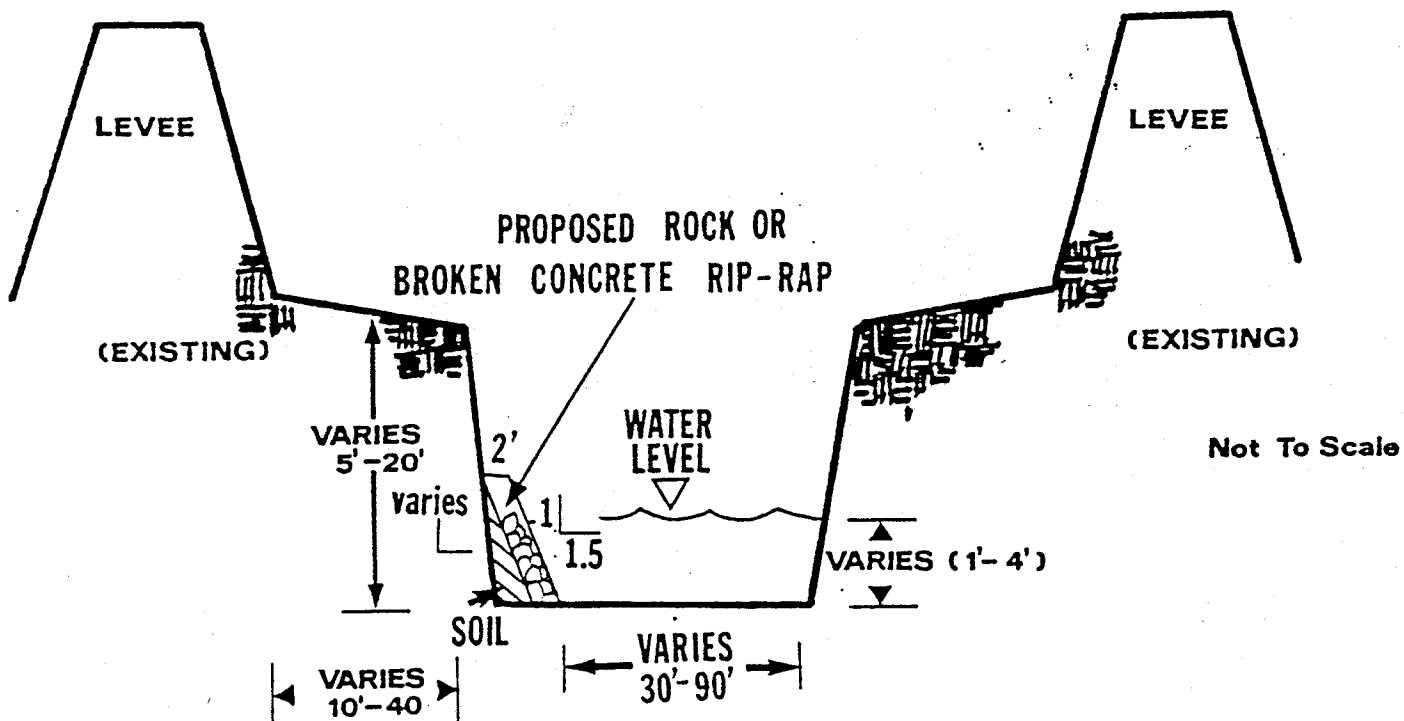
Method 2 - Broken Concrete or Stone Riprap Half-Slope Protection



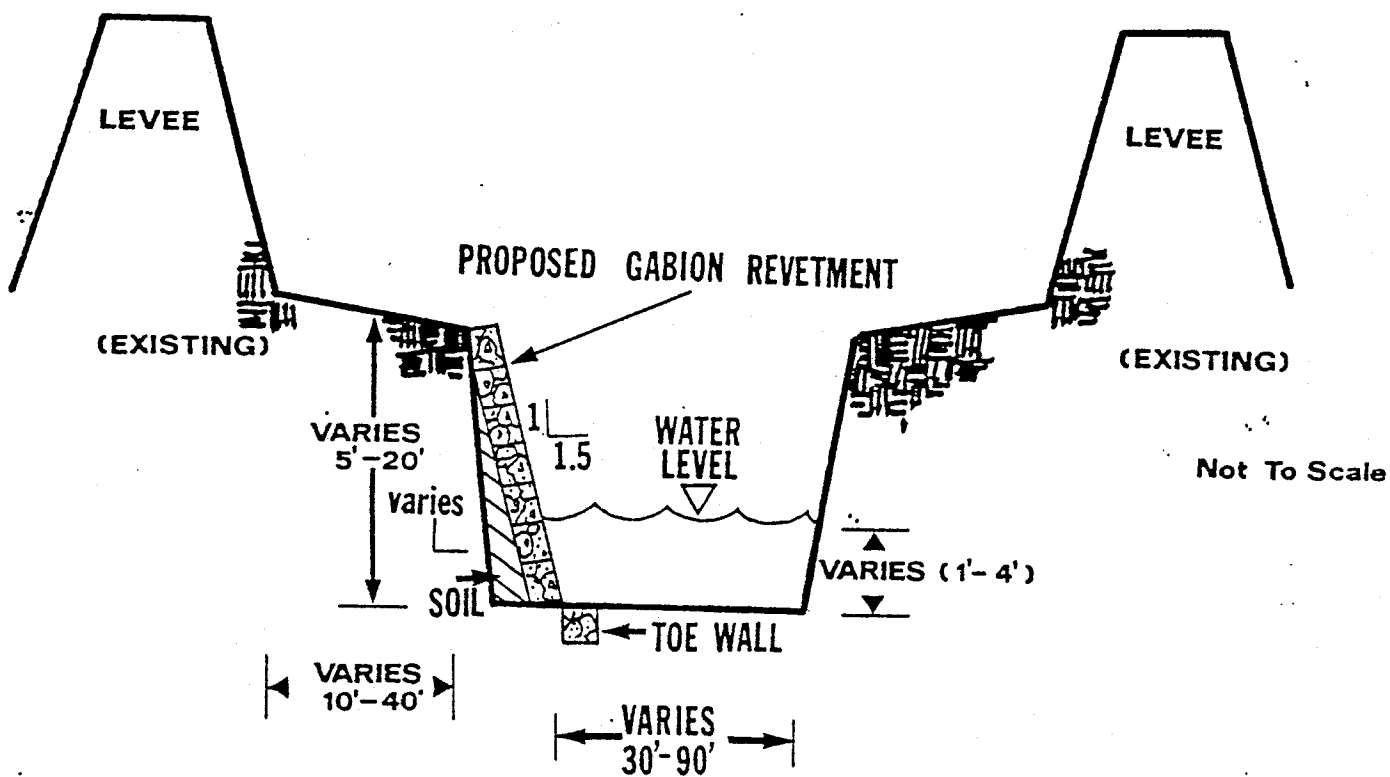
Method 3 -- Broken Concrete or Stone  
 Riprap Full Slope Protection with  
 Soil Material Backfill



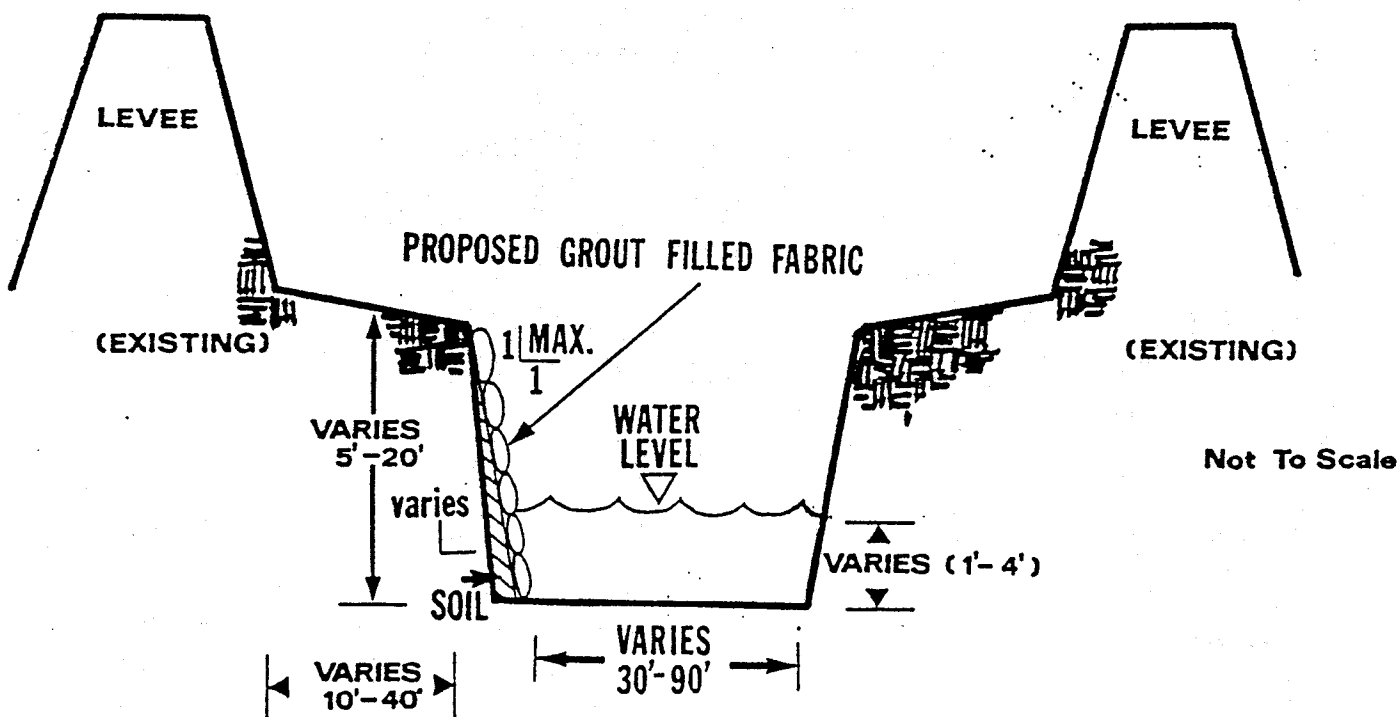
Method 4 - Broken Concrete or Stone Riprap Half-Slope Protection  
 With Soil Material Backfill



Method 5 -- Gabion Revetment Slope  
Protection with Soil Mater  
Backfill

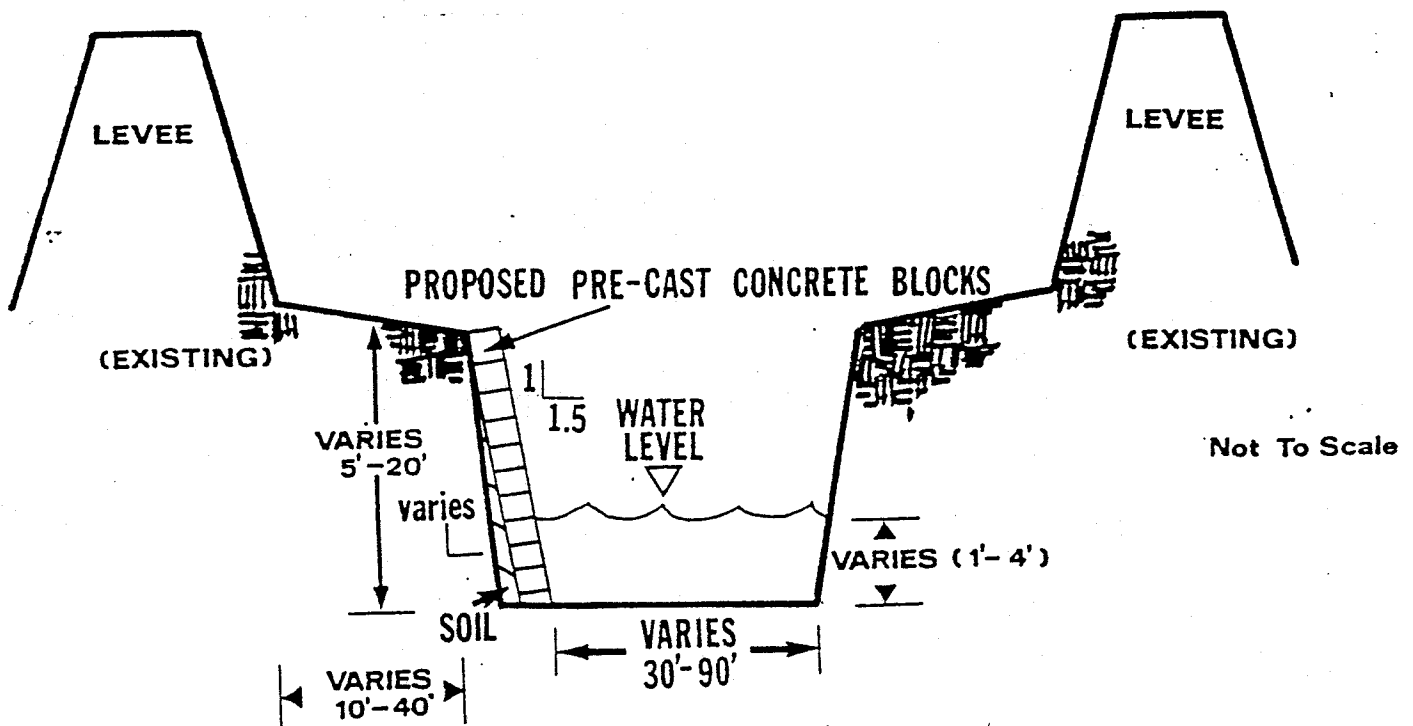


Method 6 - Grout Filled Fabric



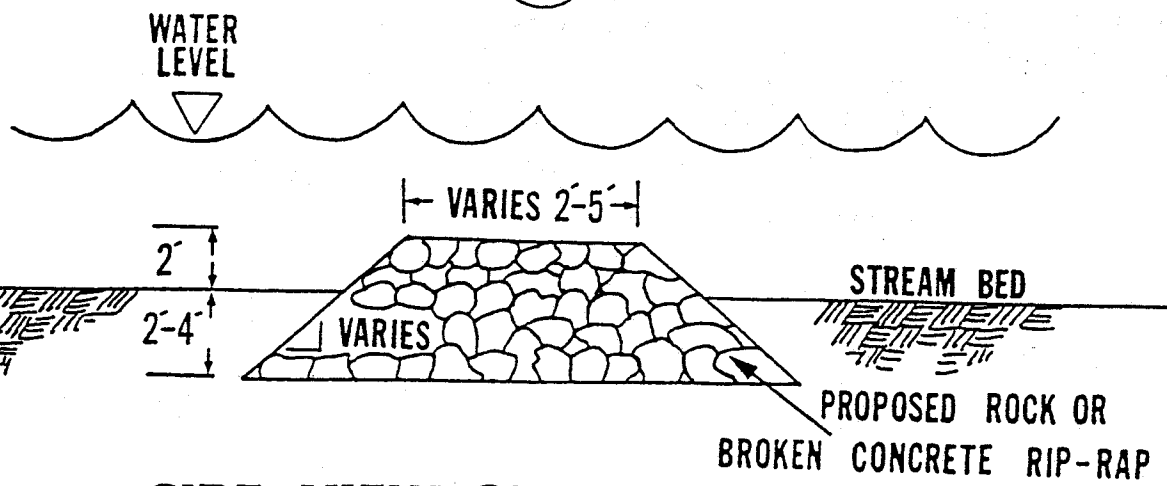
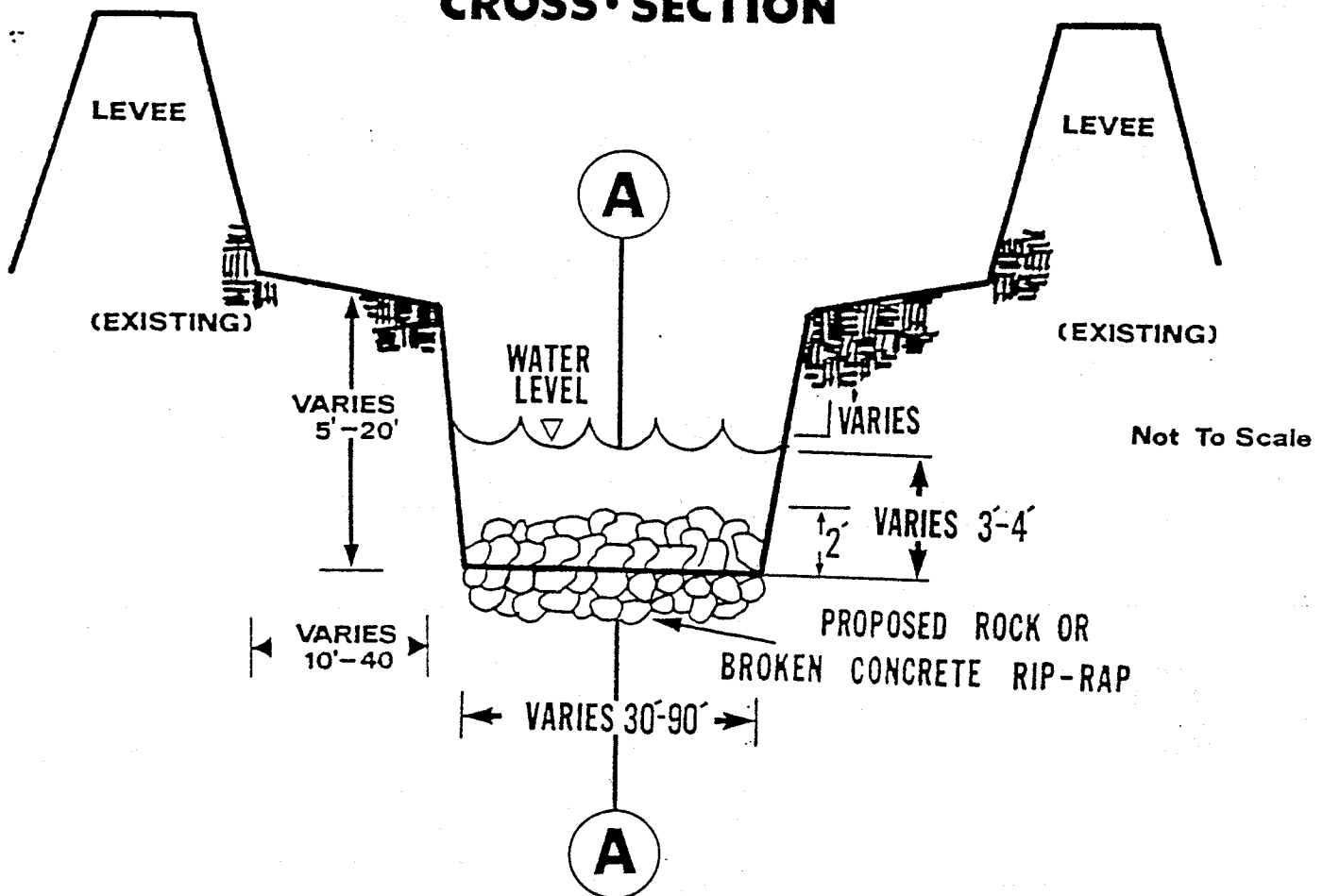


Method 7 -- Pre-Cast Concrete Blocks  
with Soil Material Backfill



Method 8 - Broken Concrete or Stone Riprap Grade Drop ( Rock Sill )

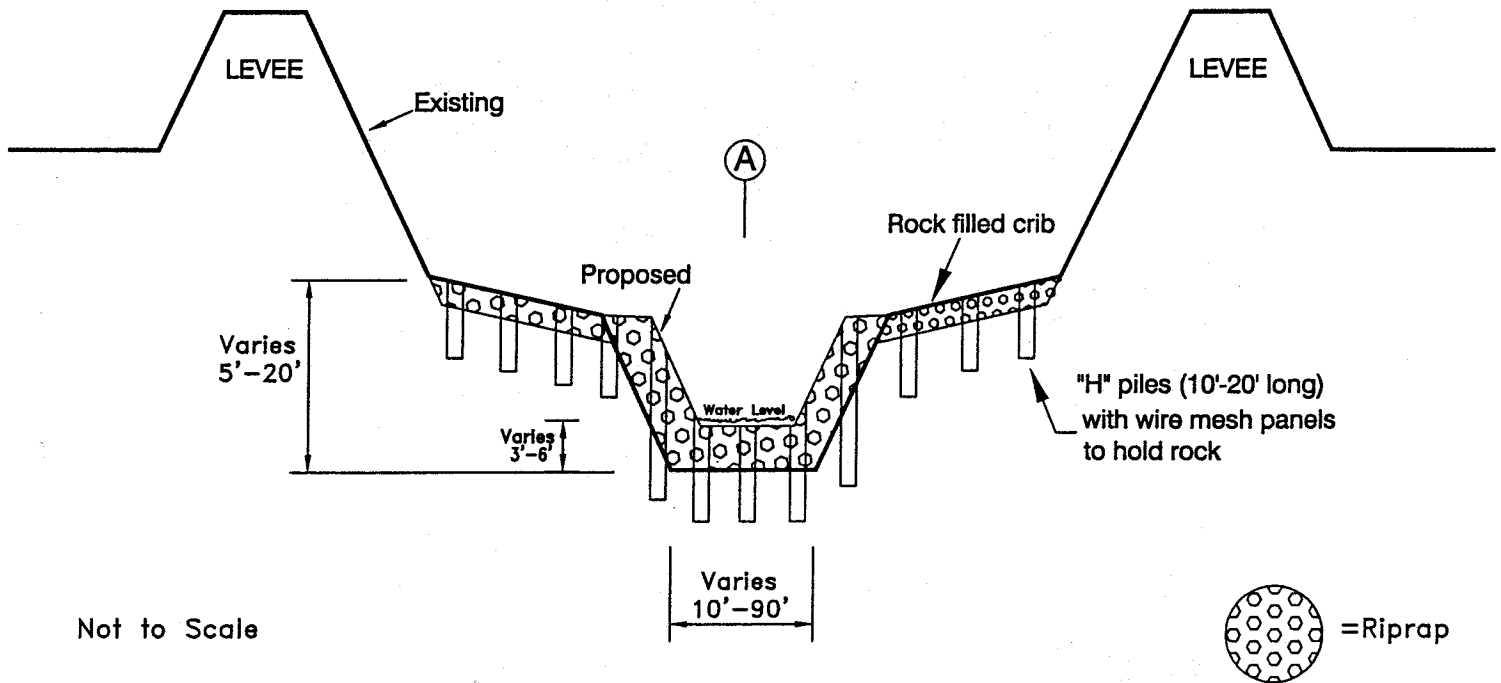
**CROSS SECTION**



**SIDE VIEW OF GRADE DROP  
(SECTION A-A)**

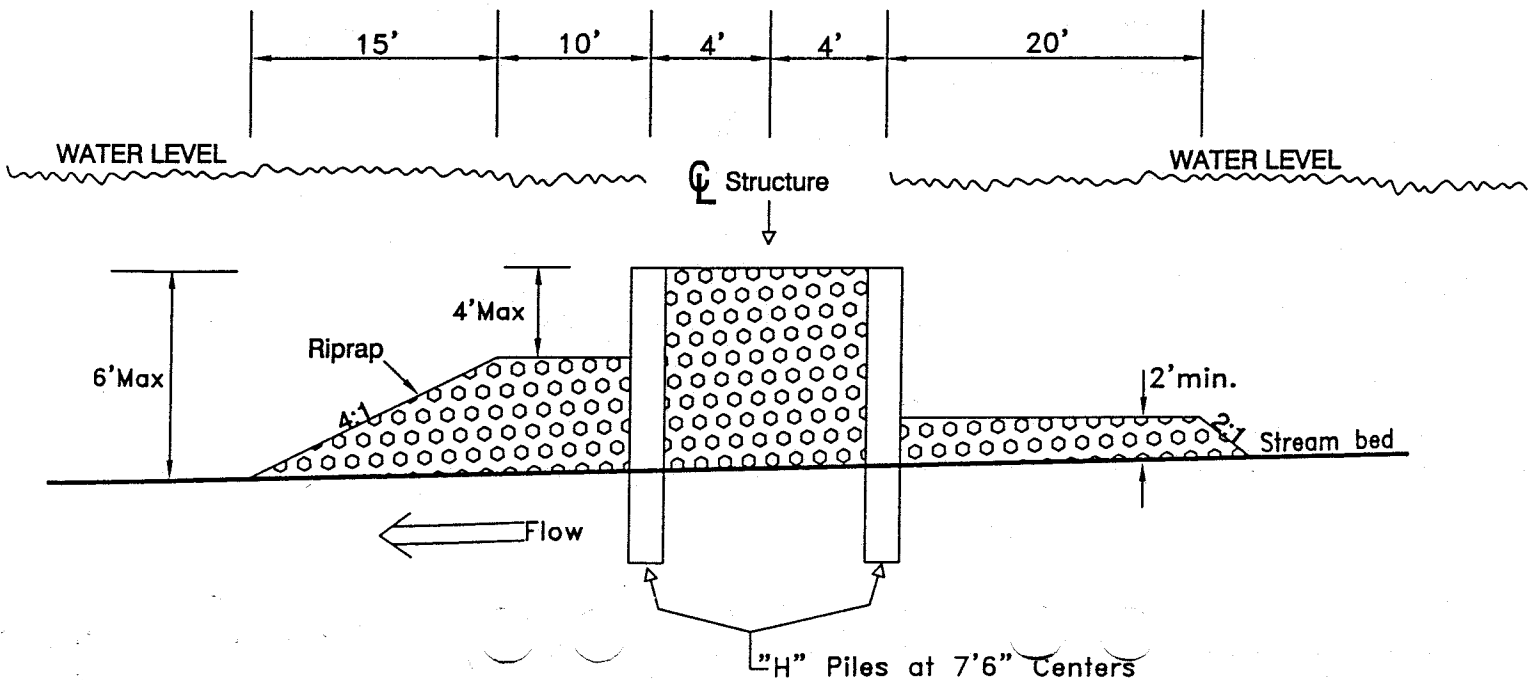
### Method 9 -- Rock Crib Grade Drop

CROSS SECTION (along structure)

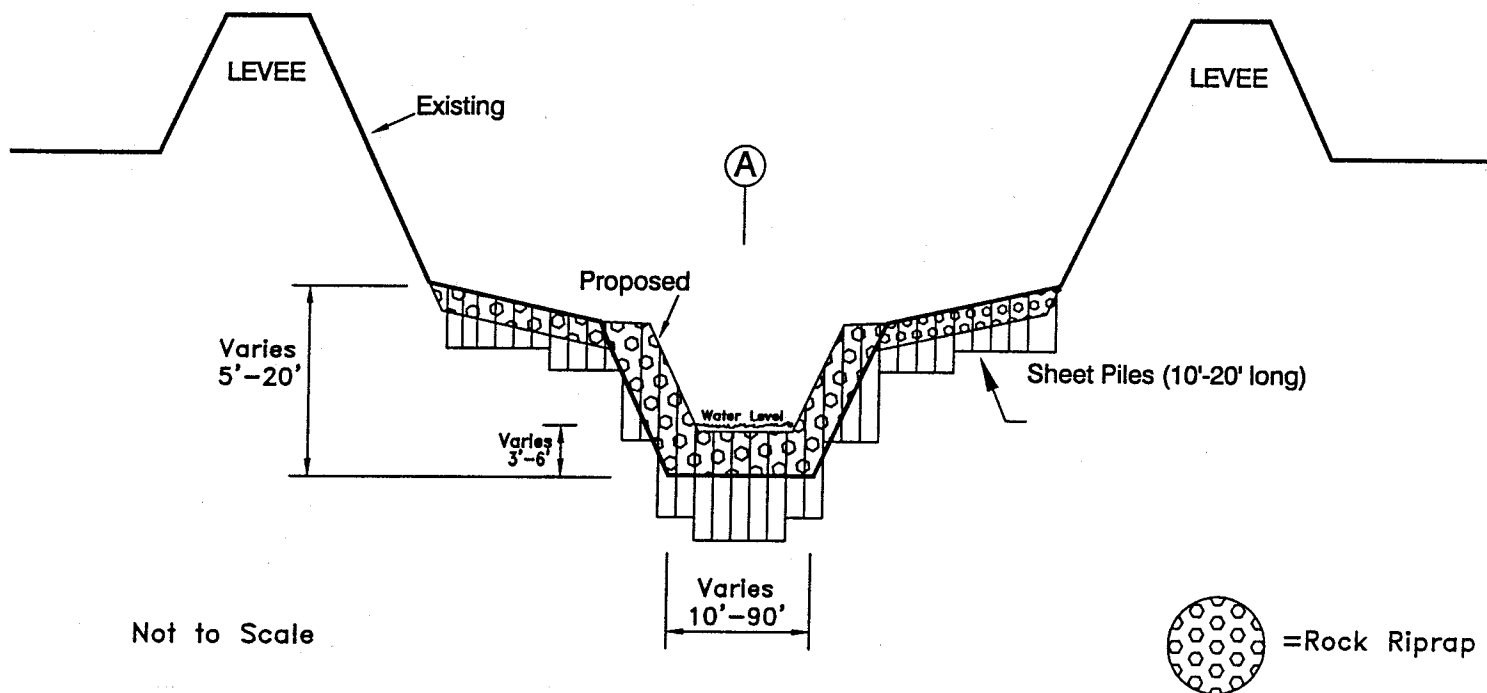


## LONGITUDINAL SECTION

## Section A

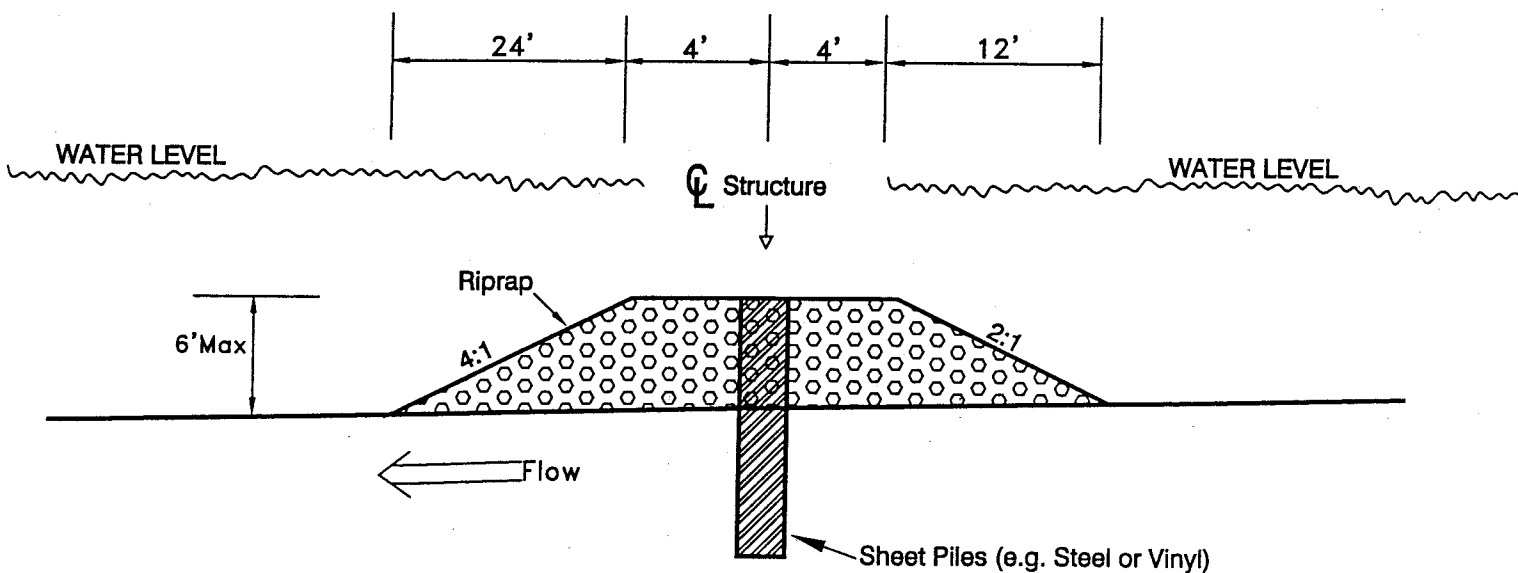


CROSS SECTION (along structure)

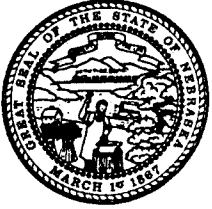


LONGITUDINAL SECTION

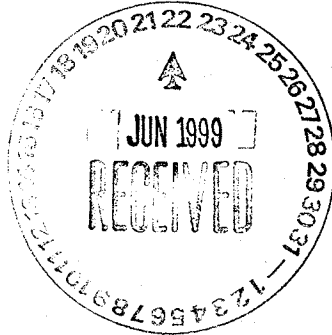
Section A



# STATE OF NEBRASKA



Mike Johanns  
Governor



JUN 21 1999

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Michael J. Linder  
Director

Suite 400, The Atrium

1200 N Street

P.O. Box 98922

Lincoln, Nebraska 68509-8922

Phone (402) 471-2186

FAX (402) 471-2909

Steve Oltmans  
Papio-Missouri River NRD  
8901 South 154th Street  
Omaha, NE 68138

RE: State Certification for Section 404 Application NE  
140011457, Re-issuance of General Permit for bank  
stabilization methods; All applicable water bodies and  
counties within the NRD's authority, NE.

Dear Applicant:

We have reviewed the information received regarding the  
above-referenced application and feel the activity will comply  
with Section 401 of the Clean Water Act of 1977, as amended by  
the Water Quality Act of 1987, subject to meeting the following  
condition:

Construction activities should employ controls to  
reduce the erosiveness of land adjacent to the water  
body. This includes revegetating disturbed areas and  
maintaining the controls.

We therefore, by this letter, provide Section 401 Water  
Quality Certification. This certification does not constitute  
authorization to conduct your project. It is a statement of  
compliance with Surface Water Quality Standards only, which is  
one requirement to gain authorization from the U.S. Army Corps

of Engineers in the form of a Section 404 permit. If you have any questions, please feel free to call Terry Hickman on my staff, at (402) 471-2875.

Sincerely,



Patrick W. Rice  
Assistant Director

TH

cc: Barb Friskopp, US Army Corps of Engineers  
Steve Anschutz, US Fish & Wildlife Service  
Frank Albrecht, Nebraska Game & Parks Commission  
Jeanette Schafer, US Environmental Protection Agency